

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

No.: 6:24-cv-00306

OPPOSED MOTION BY AMICI FOR LEAVE TO PRESENT FACT WITNESS

Amici Oscar Silva Perez, Natalie Taylor, Salvador Doe, Justin Doe, Carmen Miranda Zayas, Ricardo Ocampo Hernandez, Jessika Ocampo Hernandez, Foday Turay, Jaxhiel Turay, Genaro Vicencio Palomino, Cindy Siqueiros Maduena, and the Coalition for Humane Immigrant Rights respectfully request leave of this Court to present one fact witness—amicus Foday Turay—during the hearing and trial scheduled for November 5, 2024. *See Morales v. Turman*, 820 F.2d 728, 730 (5th Cir. 1987) (in underlying case out of E.D. Texas, “Amici’s counsel . . . presented amici’s witnesses at trial and cross-examined plaintiffs’ and defendants’ witnesses.”).

Amici reached out to seek the Parties’ position on this motion before they filed their stipulations with the court on October 25, in which the Parties agreed that they will not present any live witnesses at trial. Both Plaintiffs and Defendants oppose this motion. Amici file this motion so that the court may consider their limited proposal to present at trial one fact witness who is an applicant for the Keeping Families Together parole process challenged in this case along with the Parties’ submission on the presentation of witnesses and evidence. Amici anticipate that they would need 15 minutes for direct examination of Mr. Turay. The Parties would have cross-examination time

and Amici would need re-direct time, potentially, depending on any cross-examination by the Parties. Amici appreciate the court's recent order granting them time to argue at trial and wanted to move quickly for time to present this one fact witness as the court is determining how to allocate time among the parties for trial on November 5.

A proposed order is attached.

Dated: October 28, 2024

Respectfully submitted,

Paige Austin*

New York Bar No. 5246954
paige.austin@maketheroadny.org

Harold A. Solis*

New York Bar No. 5122726
Harold.Solis@maketheroadny.org

MAKE THE ROAD NEW YORK
301 Grove Street
Brooklyn, NY 11237
Telephone: (718) 418-7690
Facsimile: (866) 420-9169

** admitted pro hac vice*

Esther H. Sung* (Lead Attorney)

California Bar No. 255962
esther.sung@justiceactioncenter.org

Karen C. Tumlin*

California Bar No. 234961
karen.tumlin@justiceactioncenter.org

/s/ Hillary Li

Hillary Li*

Georgia Bar No. 898375
hillary.li@justiceactioncenter.org

Laura Flores-Perilla*

California Bar No. 355645
laura.flores-perilla@justiceactioncenter.org

Brandon Galli-Graves*

Texas Bar No. 24132050
brandon.galli-graves@justiceactioncenter.org

JUSTICE ACTION CENTER
P.O. Box 27280
Los Angeles, CA 90027
Telephone: (323) 450-7272
Facsimile: (323) 450-7276

Counsel for Amici

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, I electronically filed this motion with the Clerk of the Court for the United States District Court for the Eastern District of Texas by using the CM/ECF system. Counsel in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Hillary Li
Hillary Li

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Amici have complied with the meet and confer requirements of Local Rule CV-7(h). On October 28, 2024, counsel for Amici—Esther H. Sung, Harold A. Solis, and Hillary Li—conferred with counsel for Plaintiffs—Ryan Walters—by telephone about the relief requested in this motion. Plaintiffs oppose this motion because the Parties have already agreed to trial proceedings that will not involve any live witnesses, and because Amici are not parties to the case, so it would be improper for non-parties to have witnesses testify and be part of the record of the case. On October 28, 2024, counsel for Amici—Esther H. Sung and Brandon Galli-Graves—conferred with counsel for Defendants—Caroline McGuire and Erin Ryan—by videoconference about the relief requested in this motion. Defendants oppose this motion, pursuant to Defendants' agreement in ECF No. 92 that there would be no live witnesses at the hearing. Pursuant to Local Rule CV-7(i), discussions have conclusively ended at an impasse, leaving an open issue for the Court to decide.

/s/ Hillary Li
Hillary Li